

ORDINANCE NO 2010-17

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE, FROM R1 TO GB

FILED
CITY CLERK

2010 APR 26 P 2:06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
TIPPECANOE COUNTY, INDIANA:

Section I. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and part of the Municipal Code of Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to wit:

Street Address: 1821 Creasy Lane South
Lafayette, Indiana 47905

Legal Description: South Creasy Lane SD Lot 4
Key# 102012080049

Section II. The real estate described above should be and the same is hereby rezoned from R1 to GB.

Section III. This ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA THIS 3 DAY OF May 2010.

Melissa Weast Williamson
Melissa Weast-Williamson, Presiding Officer

ATTEST:

Cindy Murray
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 3 day of
May, 2010

Cindy Murray
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the 3 day of May 2010.

Tony Roswarski
Tony Roswarski, Mayor

ATTEST:

Cindy Murray
Cindy Murray, City Clerk

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

April 22, 2010
Ref. No.: 10-102

Lafayette City Council
20 North 6th Street
Lafayette, IN 47901

CERTIFICATION


RE: **Z-2425—HOWARD E. FINCHER TRUST (R1 to GB):**
Petitioner is requesting rezoning of one lot located on the east side of Creasy Lane between SR 389 and St. Francis Way, more specifically 1821 South Creasy Lane, Lafayette, Fairfield 35 (SE) 23-4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 21, 2010 the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette City Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette City Council at its May 3, 2010 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Howard E. Fincher Trust
Jenny Miller, Lafayette City Engineer

Z-2425
HOWARD E. FINCHER TRUST
R1 TO GB

STAFF REPORT
April 15, 2010

The map displays the following zoning districts and features:

- Zoning Districts:** R1A, GB, MR, R3, PDRS, J3, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100.
- Streets:** Creasy Lane, WINDMILL, BRAMPTON APTS., Fairfield Zoning.
- Other Features:** Lafayette Zoning, Wea Zoning, Point East Mobile Home Park.
- Scale:** 0 to 100 feet.

Z-2425
HOWARD E. FINCHER TRUST
R1 to GB

Staff Report
April 15, 2010

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by the Executor of the Howard E. Fincher Trust, is requesting the rezoning of a single lot from R1 to GB located on the east side of Creasy Lane between SR 38 East and St. Francis Drive, commonly known as 1821 South Creasy Lane, Lafayette, Fairfield 35 (SE) 23-4. There is no proposed use at this time.

This property is located in the City, unlike its neighbors to the north and south. A voluntary annexation has created a corporation boundary that includes only a few properties on this side of Creasy. The subject property is located two lots north of Z-2149, R1 to GB, heard last month by the Area Plan Commission.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is currently zoned R1, single-family residential, as are properties immediately north and south. Earlier this month the County Commissioners approved a rezone for another home two lots south from R1 to GB for a proposed chiropractor office (Z-2421). Other R1 to GB rezones along this side of Creasy include 4 tracts at the northeast corner of Creasy and SR 38 (Z-1383, Z-2149 and Z-2346). R3 zoning is located to the east and GB zoning is located west across Creasy Lane.

AREA LAND USE PATTERNS:

This land, along with properties directly north and south, is currently used as a single-family residence. Further south are two car lots and a gas station/convenience store. Apartments are located east and the new St. Elizabeth East Hospital is further north.

TRAFFIC AND TRANSPORTATION:

Creasy Lane and SR 38 are both classified as primary arterials in the *Thoroughfare Plan*. Traffic counts taken in 2007 indicate that 23,362 cars pass this site daily. The Lafayette City Engineer's Office will be responsible for issuing a commercial drive permit if this land is rezoned and redeveloped. All parking areas and driveways in the GB zone must be paved. There is also a 5' no-parking setback from all property lines.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site. Prior to the issuance of an Improvement Location Permit, a storm drainage plan will need to be approved by the City Engineer's Office and possibly the County Surveyor's Office.

A 'Type C' bufferyard is required between property undergoing new development or redevelopment in the GB zone and property zoned residentially. In this case, buffering would be required along the north, east and south property lines. A 'Type C' bufferyard consists of 4 standard plant units per 150 linear feet with a width of 20'.

STAFF COMMENTS:

Three lots of R1-zoned property remain from the original R1 zoning that lined this part of Creasy Lane. The trend of commercial rezoning for these properties indicates that single-family homes are no longer desirable for this part of the community.

Staff has recommended in favor of commercial zoning along this corridor based on ***The Amendment to the Adopted Land Use Plan Regarding the Expanded Fuji-Isuzu Development Area***. Creasy Lane is a 4-lane arterial that connects with Brady Lane and Twyckenham Boulevard forming a partial ring road around the eastern and southern portions of the City. The traffic counts combined with the speed of traffic makes this site no longer desirable for single-family homes.

With steady development in the area (especially the St. Elizabeth East Hospital and Creasy Springs retirement community to the north) and proximity to other GB-zoned land, this property and other homes along this stretch of Creasy Lane no longer have a long-range residential future.

STAFF RECOMMENDATION:

Approval